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Administration of justice at the United Nations

Letter dated 20 October 2009 from the President of the General Assembly to the Chairman of the Fifth Committee

I have the honour to transmit herewith a letter dated 20 October 2009 from the Chairman of the Sixth Committee, Mourad Benmehidi, to the President of the General Assembly regarding agenda item 142, entitled "Administration of justice at the United Nations" (see annex).

As you are well aware, the reform of the administration of justice at the United Nations represents a significant development for the Organization and its staff. I am confident that the comments contained in the attached letter will assist the Fifth Committee in its consideration of this important item.

(*Signed*) Ali Abdussalam **Treki**

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Annex

Letter dated 20 October 2009 from the Chairman of the Sixth Committee to the President of the General Assembly

I have the honour to write to you with regard to agenda item 142, entitled "Administration of justice at the United Nations".

As you are aware, at its second plenary meeting, on 18 September 2009, the General Assembly decided, in light of resolution 63/253 and decision 63/531, to allocate that item to the Fifth Committee for its consideration and to the Sixth Committee for the purpose of considering the legal aspects of the reports to be submitted under the item, including the rules of procedure of the Tribunals.

During the present session, the Sixth Committee considered this item in plenary at its 1st and 12th meetings, on 5 and 20 October 2009, as well as within the framework of a Working Group.

The Sixth Committee is of the view that, in order for the General Assembly to consider the scope of the system of administration of justice, the Secretary-General should be requested to include the following information in his report pursuant to paragraph 59 of resolution 63/253, for consideration at the sixty-fifth session of the Assembly: (a) the exact terms of reference of the Office of the United Nations Ombudsman and Mediation Services concerning access by non-staff personnel; (b) an update concerning the exact number of persons other than staff personnel working for the United Nations and the funds and programmes under different types of contracts, including individual contractors, consultants, personnel under service contracts, personnel under special service agreements and daily paid workers; (c) a description of the new procedure for management evaluation, including the types of work-related administrative decisions for which it is required, and of the procedure normally followed in other cases where non-staff personnel submit a complaint concerning a violation of contract that does not qualify for management evaluation; and (d) a compilation of the standard contracts and rules, including dispute settlement clauses, that govern the relations between the Organization and the various categories of non-staff personnel.

In addition, with regard to remedies available to the different categories of non-staff personnel, the Sixth Committee is of the view that in his report, the Secretary-General should also analyse and compare the respective advantages and disadvantages of the following options, bearing in mind the status quo concerning dispute settlement mechanisms for non-staff personnel, including the United Nations Commission on International Trade Law arbitration clause: (a) establishment of an expedited special arbitration procedure, conducted under the auspices of local, national or regional arbitration associations, for claims under 25,000 United States dollars submitted by personal service contractors; (b) establishment of an internal standing body, which would make binding decisions on disputes submitted by non-staff personnel, not subject to appeal and using streamlined procedures, as proposed by the Secretary-General in paragraphs 51-56 of his report contained in document A/62/782; (c) establishment of a simplified procedure for non-staff personnel before the United Nations Dispute Tribunal, which would make binding decisions not subject to appeal and using streamlined procedures; (d) granting of access to the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, under their current rules of procedure, to non-staff personnel.

It would be appreciated if the present letter could be brought to the attention of the Chairman of the Fifth Committee and circulated as a document of the General Assembly under agenda item 142, entitled "Administration of justice at the United Nations".

(*Signed*) Mourad **Benmehidi**
Chairman of the Sixth Committee